

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
CENTRAL DIVISION

BARBARA RASULALLAH

PLAINTIFF

v.

No. 4:20-cv-1143-DPM

SMITH & NEPHEW, INC. and  
JOHN DOES 1-10

DEFENDANTS

ORDER

1. Rasulallah underwent knee replacement surgery. In her procedure, she received a Smith & Nephew medical device known as a Journey Knee. Rasulallah says that the Journey Knee injured her and eventually had to be replaced. She sues to hold the company liable for her injuries. Having removed the case, Smith & Nephew moves to dismiss Rasulallah's complaint for failure to state a claim. The Court takes all the facts alleged by Rasulallah as true. *Carter v. Huterson*, 831 F.3d 1104, 1107 (8th Cir. 2016).

2. Rasulallah must plead her causes of action with enough specificity to state a plausible claim for relief. *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009). While admirably brief, and understandably in the style of an Arkansas pleading, her complaint needs more factual details to meet current federal pleading requirements. She doesn't say when her first surgery occurred or when the Journey Knee was replaced. She also fails to plead all the elements for each of her causes of action. For

example, Rasulallah doesn't say how the Journey Knee was defective, tie her alleged injuries or the Journey Knee's failure to any specific defect, or plead any facts showing the Journey Knee was defective when it left Smith & Nephew's control. She also doesn't say how she relied on any Smith & Nephew warranty or representations. And her Arkansas Deceptive Trade Practices Act claim is thin. Taking all the facts alleged by Rasulallah as true, *Carter*, 831 F.3d at 1107, her complaint needs supplementation for the case to proceed. She is entitled to re-plead, though, and try to fill the gaps.

\* \* \*

Smith & Nephew's motion to dismiss, *Doc. 4*, is granted. Rasulallah's complaint is dismissed without prejudice and (as requested) with leave to amend. Amended complaint due by 1 December 2020.

So Ordered.

*D.P. Marshall Jr.*  
D.P. Marshall Jr.  
United States District Judge

*3 November 2020*